

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MICHAEL D RAZUS and) CASE NO. 10-25851 JPK
SHELLEY L RAZUS,) Chapter 13
)
Debtors.)

ORDER SCHEDULING HEARING PURSUANT
TO 11 U.S.C. § 362(c)(4)

On January 4, 2011, the debtors, by counsel, filed a document entitled "Motion to Continue Hearing". From the title of the document, one would assume that it was directed at rescheduling a hearing. Not so. The prayer for relief of the motion is that "the Debtors pray the Court for an Order Continuing the Automatic Stay, and for all other relief necessary and proper". It's actually a very good thing that the motion added the second phrase to the prayer for relief: the debtors have been in two bankruptcy cases pending during the one-year period prior to the filing of this case, both of which were dismissed (case number 08-23986 and case number 10-22045). As a result, pursuant to 11 U.S.C. § 362(c)(4), there is no automatic stay in effect in this case, and one will not go into effect until the court imposes it. In the exercise of its benevolent discretion, the court will deem the motion to be what it should have been: a motion for imposition of the automatic stay pursuant to § 362(c)(4).

IT IS ORDERED that a hearing on the foregoing motion will be held on **January 24, 2011 at 2:50 P.M.**

Dated at Hammond, Indiana on January 12, 2011.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee
All Creditors, All Parties-in-Interest